

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION

Civ. No. B _____
(Super. Ct. No. C420153)

CHURCH OF SCIENTOLOGY OF CALIFORNIA
and MARY SUE HUBBARD,

Plaintiff-Petitioners,

-against-

GERALD ARMSTRONG,

Defendant.

CHURCH OF SCIENTOLOGY OF CALIFORNIA
and MARY SUE HUBBARD,

Petitioners

-against-

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES,

Respondents.

BENT CORYDON, Real Party in Interest

Response From the Superior Court of California
County of Los Angeles
Judge Bruce R. Geernaert

MOTION FOR RELIEF FOR DEFAULT FOR FAILURE TO DESIGNATE
RECORD PURSUANT TO RULE 10 (C)

PAUL MORANTZ
A PROFESSIONAL CORPORATION
P.O. Box 511
Pacific Palisades CA 90272
(213)459-4745

Counsel for Respondent

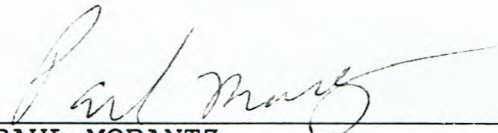
TO JUSTICES OF THE COURT TO APPEAL, DIVISION 4:

Intervenor Bent Corydon hereby requests relief from default for failure to designate record on cross appeal. Pursuant to Rule 10 (C) relief is herein requested that said default be vacated and Intervenor be allowed to designate records.

As set forth in accompanying declaration of Paul Morantz, records were previously designated by Intervenor Bent Corydon in the underlining appeal and no additional records are sought. As this was a cross appeal, and records had already been designated, it was not believed any further designation was necessary.

As the record on appeal has in fact been designated, it is submitted that good cause exists for relief.

Date: 2-7-87



PAUL MORANTZ
A PROFESSIONAL CORPORATION
Attorney for Bent Corydon

DECLARATION OF PAUL MORANTZ

I, PAUL MORANTZ, do hereby declare as follows:

I am the attorney for the Plaintiff and if called to the stand and sworn under oath I could competently testify as follows:

1. Intervenor Bent Corydon is represented by two sets of counsel who have sought documents contained in the Armstrong file pursuant to different litigation involving Mr. Corydon and The Church of Scientology.

2. Attached hereto as Exh. A is the designation of records filed by Toby Plevin on behalf of Mr. Corydon. This designation was filed after joint consultation between your Declarant and Ms. Plevin.

3. Pursuant to joint consultation, your declarant filed a Notice of Cross Appeal, believing that the record had already been designated since the cross appeal arises out of the appeal itself.

4. On February 2, 1989, a Notice of Default for Failure to Designate the Record on Cross Appeal was served by the County Clerk.

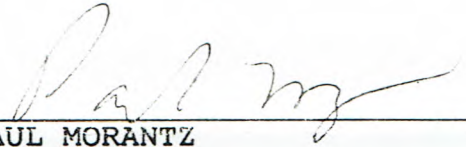
5. I telephoned the clerk, discussed Rule 11, and the requirement of only a single record which already had been completely designated. Your declarant was advised that still there had to be a designation on the cross appeal incorporating the underlining record.

6. Your declarant then telephoned the clerk of this division and was advised to bring this motion prior to filing a

designated record on the cross appeal which incorporates our designation on the appeal.

I declare under penalty of perjury that the above is true and correct to the best of my belief.

Executed on 2-7-89, 1989 at Los Angeles, California.



PAUL MORANTZ